

FOREWORD

by Mr G.C. Rodríguez Iglesias, President of the Court of Justice

In the course of the year 2000 the level of judicial activity increased. Over that period 901 cases were lodged, 503 at the Court of Justice and 398 at the Court of First Instance, and 870 were disposed of, 526 by the Court of Justice and 344 by the Court of First Instance. There is every reason to believe that the number of cases before the Community Courts will continue to grow. It was therefore with very great satisfaction that in 2000 the Court of Justice and the Court of First Instance received the Council's approval to amend their Rules of Procedure and introduce new instruments, in particular an accelerated procedure and a simplified procedure for disposing of cases.

Those measures, designed to improve the conduct of proceedings and to reduce their duration, would remain of little effect if the Court of Justice did not have sufficient resources to contend with changes in a workload over which it has no control. In this regard, the Court of Justice must express satisfaction at the understanding shown to it by the budgetary authorities, in particular the European Parliament. The resources granted under the 2001 budget should enable it, first, to continue to make judgments available in all the languages on the actual day of delivery and, second, to reduce the backlog of texts to be translated which seriously affects the period within which cases are dealt. However, if the trend of increasing numbers of cases were to persist, it would be for the budgetary authorities to adjust the resources allocated to the institution in order to maintain continuity of judicial activity.

For the Court of Justice as for the other institutions, the year 2000 was marked by the Intergovernmental Conference which took place, devoted to institutional reform of the European Union with a view to its enlargement. Terminating in December 2000 at the European Council in Nice, this conference resulted, so far as concerns the Court of Justice and the Court of First Instance, in a series of reforms which are very much along the lines of the ideas formulated by the Court of Justice itself, in particular the proposals set out in its discussion paper entitled "The Future of the Judicial System of the European Union (Proposals and Reflections)" which was presented to the Council of the Ministers of Justice in May 1999.

The Treaty of Nice confers jurisdiction on the Court of First Instance to hear and determine most classes of direct actions, excluding those which will be reserved for the Court of Justice by its Statute or assigned to judicial panels whose creation is provided for by the new Treaty.

The judicial panels, whose creation, on the initiative of the Commission or the Court of Justice, is intended to relieve the burden on the Court of First Instance to which they will be attached, will hear and determine at first instance certain classes of actions or proceedings brought in specific areas, such as litigation between the Community and members of its staff.

The new Treaty also allows the Court of First Instance to be conferred jurisdiction to hear and determine questions referred for a preliminary ruling in specific areas laid down by the Statute.

Because of these changes, review by the Court of Justice of decisions of the Court of First Instance will also be modified. Thus, the possibility of bringing an appeal before the Court of Justice may be subject to conditions and limits to be laid down by the Statute. Likewise, decisions which the Court of First Instance could be called on to give on questions referred for a preliminary ruling or in actions brought against decisions of the judicial panels will be subject to review by the Court of Justice only exceptionally, that is to say where there is a serious risk of the unity or consistency of Community law being affected. It will be for the First Advocate General to propose such review where he considers it necessary.

Accepting a proposal which the Court of Justice had previously put forward at the time of the Intergovernmental Conference which led to the Maastricht Treaty, the new Treaty provides that amendments to the Rules of Procedure of the Court of Justice and the Court of First Instance will henceforth require the approval of the Council acting by a qualified majority and no longer unanimously.

Furthermore, the Protocol on the Statute of the Court of Justice, with the exception of Title I concerning Judges and Advocates General, will in future be amended by the Council acting unanimously at the request of the Court of Justice and after consulting the Commission and the European Parliament, or at the request of the Commission and after consulting the Court and the European Parliament.

With a view to enlargement of the Union, the new Treaty establishes an express link for the first time between the number of Member States and the number of Judges. In the Court of Justice, the number of Judges will have to be equal to that of the Member States and, in the Court of First Instance, it will have to be at least equal to that number, enabling the complement of members of the Court of First Instance to be increased if necessary.

With regard to the internal organisation and operation of the Court of Justice and the Court of First Instance, several innovations are introduced by the Treaty of Nice, in particular the election for three years of the Presidents of the Chambers of five Judges and the establishment, within the Court of Justice, of a Grand Chamber, presided over by the President of the Court and consisting of 11 Judges, including the Presidents of the Chambers of five Judges. The judgment of cases in plenary session will no longer be the rule but will become the exception, since the Court of Justice will sit in plenary session only in the cases laid down by the Statute. It will, however, be able to sit in plenary session where it considers that a case is of exceptional importance.

A final assessment of the outcome of the Intergovernmental Conference will be possible only when the necessary implementing measures have been adopted, a task to which the Court will contribute fully. It is nevertheless possible now to be pleased with the flexibility introduced into the Community judicial system and to hope that this development helps to reinforce its proper functioning.